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Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

Report of the First Committee

Rapporteur: Mr. Carlos D. **Sorreta** (Philippines)

I. Introduction

1. The item entitled "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction" was included in the provisional agenda of the fifty-fourth session of the General Assembly in accordance with Assembly resolution 53/84 of 4 December 1998.

2. At its 3rd plenary meeting, on 17 September 1999, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 2nd meeting, on 23 September 1999, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 64, 65 and 67 to 85, which was held at the 3rd to 12th meetings, from 11 to 15 and from 18 to 20 October (see A/C.1/54/PV.3-12). Thematic discussions on the items were held, and draft resolutions were introduced and considered, at the 13th to 19th meetings, on 21 and 22 and from 25 to 29 October (see A/C.1/54/PV.13-19). Action on all draft resolutions was taken at the 20th to 27th meetings, on 1, 2, 4, 5, 8 and 9 November (see A/C.1/54/PV.20-27).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Letter dated 5 August 1999 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General, transmitting the report of the Tokyo Forum for Nuclear Non-Proliferation and Disarmament (A/54/205-S/1999/853);

99-34738 (E) 181199

(b) Letter dated 15 October 1999 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General, transmitting the communiqué of the meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries, held in New York on 23 September 1999 (A/54/469-S/1999/1063).

II. Consideration of draft resolution A/C.1/54/L.19 and Rev.1

5. At the 14th meeting, on 22 October, the representative of Hungary, on behalf of Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, the Czech Republic, Ecuador, Finland, France, Germany, Greece, Hungary, Iceland, India, Ireland, Italy, Japan, Kenya, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, the Niger, Nigeria, Norway, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, introduced a draft resolution entitled "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction" (A/C.1/54/L.19). Subsequently, Chile, Croatia, Denmark, Estonia, Haiti, Monaco, Panama, Sierra Leone and Thailand joined in sponsoring the draft resolution.

6. At the 23rd meeting, on 4 November, the representative of Hungary, on behalf of the sponsors, now joined by Armenia, the Islamic Republic of Iran, Mongolia and the Russian Federation, introduced a revised draft resolution (A/C.1/54/L.19/Rev.1) in which the words "as confirmed by the Fourth Review Conference" were added at the end of operative paragraph 5.

7. At the same meeting, the Secretary of the Committee made a statement concerning the programme budget implications of draft resolution A/C.1/54/L.19/Rev.1 (see A/C.1/54/PV.23).

8. Also at its 23rd meeting, the Committee adopted draft resolution A/C.1/54/L.19/Rev.1 without a vote (see para. 9).

III. Recommendation of the First Committee

9. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

The General Assembly,

Recalling its previous resolutions relating to the complete and effective prohibition of bacteriological (biological) and toxin weapons and to their destruction,

Noting with satisfaction that there are one hundred and forty-three States parties to the Convention on the Prohibition of the Development, Production and Stockpiling of

Bacteriological (Biological) and Toxin Weapons and on Their Destruction,[1] including all the permanent members of the Security Council,

Bearing in mind its call upon all States parties to the Convention to participate in the implementation of the recommendations of the Review Conferences, including the exchange of information and data agreed to in the Final Declaration of the Third Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction,[2] and to provide such information and data in conformity with standardized procedure to the Secretary-General on an annual basis and no later than 15 April,

Recalling its resolution 49/86, adopted without a vote on 15 December 1994, in which it welcomed the final report of the Special Conference of the States Parties to the Convention,[3] adopted by consensus on 30 September 1994, in which the States parties agreed to establish an ad hoc group, open to the participation of all States parties, whose objective should be to consider appropriate measures, including possible verification measures, and draft proposals to strengthen the Convention, to be included, as appropriate, in a legally binding instrument to be submitted for the consideration of the States parties,

Recalling also the provisions of the Convention related to scientific and technological cooperation and the related provisions of the final report of the Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint,[4] the final report of the Special Conference of the States Parties to the Convention,[3] and the final documents of the Review Conferences,

Recalling further the Final Document of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998,[5] in which the Heads of State or Government noted the progress achieved so far in the negotiation of a protocol, stressed the importance of achieving further substantive progress for the conclusion of a universally acceptable and legally binding instrument designed to strengthen the Convention and reaffirmed the decision of the Fourth Review Conference of the Parties to the Convention urging the conclusion of the negotiations by the Ad Hoc Group as soon as possible before the commencement of the Fifth Review Conference,

Welcoming the reaffirmation made in the Final Declaration of the Fourth Review Conference[6] that under all circumstances the use of bacteriological (biological) and toxin weapons and their development, production and stockpiling are effectively prohibited under article I of the Convention,

Recalling the declaration of the informal ministerial meeting, held in New York on 23 September 1998, in which the participants and the co-sponsors affirmed their strong support for the Convention and for strengthening the effectiveness and improving the implementation of the Convention,

Bearing in mind the forthcoming seventy-fifth anniversary of the signature of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases,

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[1] Resolution 2826 (XXVI), annex.

[2] BWC/CONF.III/23, part II.

[3] BWC/SPCONF/1.

[4] BWC/CONF.III/VEREX/9 and Corr.1.

[5] A/53/667-S/1998/1071, annex I, see *Official Records of the Security Council, Fifty-third Year, Supplement for October, November and December 1998*, document S/1998/1071.

[6] BWC/CONF.IV/9, part II.

and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,[7] and the twenty-fifth anniversary of the entry into force of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction on 26 March 1975,

1. *Welcomes* the progress achieved so far in the negotiation of a protocol to strengthen the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction,[1] and reaffirms the decision of the Fourth Review Conference of the Parties to the Convention urging the conclusion of the negotiations by the Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint as soon as possible before the commencement of the Fifth Review Conference and urging it to submit its report, which shall be adopted by consensus, to the States parties to be considered at a special conference;[8]

2. *Notes with satisfaction* the increase in the number of States parties to the Convention, and reaffirms the call upon all signatory States that have not yet ratified the Convention to do so without delay, and also calls upon those States that have not signed the Convention to become parties thereto at an early date, thus contributing to the achievement of universal adherence to the Convention, duly noting the forthcoming anniversary of the twenty-fifth year of the entry into force of the Convention;

3. *Calls upon* all States parties, in this context, to accelerate the negotiations and to redouble their efforts within the Ad Hoc Group to formulate an efficient, cost-effective and practical regime and to seek an early resolution of the outstanding issues through renewed flexibility in order to complete the protocol on the basis of consensus at the earliest possible date;

4. *Welcomes* the information and data provided to date, and reiterates its call upon all States parties to the Convention to participate in the exchange of information and data agreed to in the Final Declaration of the Third Review Conference;[2]

5. *Requests* the Secretary-General to continue to render the necessary assistance to the depositary Governments of the Convention and to provide such services as may be required for the implementation of the decisions and recommendations of the Review Conferences, as well as the decisions contained in the final report of the Special Conference,[3] including all necessary assistance to the Ad Hoc Group and the special conference that is to consider the report of the Ad Hoc Group, in accordance with its mandate, as confirmed by the Fourth Review Conference;

6. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction".

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[7] League of Nations, *Treaty Series*, vol. XCIV (1929), No. 2138.

[8] See BWC/CONF.IV/9.